

28 U.S.C. §§ 1408 and 1409. This is a core proceeding under
XIV, Section 141(h) of the Plan. Venue is proper pursuant to
matter pursuant to 28 U.S.C. §§ 157 and 1334, and Article
District of New York (the "Court") has jurisdiction over this
1. The United States Bankruptcy Court for the Southern

Jurisdiction

objection to Motion for Summary Judgment states as follows:
Joseph Waske in response to the Plan Administrator's

UNITED STATES BANKRUPTCY JUDGE:

TO THE HONORABLE SHELLEY C. CHAMMAN,
JUDGEMENT

RESPONSE TO PLAN ADMINISTRATOR'S OBJECTION TO MOTION FOR SUMMARY

Debtors.
et al.,
Lehman Brothers Holdings Inc.,
vs.
Joseph Waske,
(Jointly Administered)
Case No.: 08-13555 (SCC)
Document #60448

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

jwaskew@yahoo.com
949-517-8330
Dana Point, CA 92629
22862 Via Genoa
Joseph Waske

12 of the Federal Rules for Civil Procedures.

served. That is 8 days more than the 21 days allowed by Rule 13 29 days after the Motion to Reserve (Docket # 60448) was for Summary Judgment (Docket # 60484), on February 19th, which 5. The Plan Administrator was served with the Motion enforce the motion for Summary Judgment.

to respond. Joseph Waskie respectfully requests the court to Administrator should not be given a free pass for the failure held accountable for the failed actions. The Plan respond to the Motion to Reserve (Docket # 60448) and should be 4. The Plan Administrator missed the opportunity to timeframe to respond to the Motion to Reserve (Docket # 60484).

3. The Plan Administrator is fully aware of the (Docket # 60484).

12(a)(1)(A) as stated in the Motion for Summary Judgment.

the Federal Rules for Civil Procedures Pursuant to Rule 2. The Plan Administrator is in clear violation of

Response

(the "Bankruptcy Code").

title 11 of the United States Code, 11 U.S.C. §§ 101-1532 requested in this motion are sections 105(a) and 1141 of 28 U.S.C. §§ 157(b). The statutory bases for the relief

stock payments.

wrote specifically to not allow any LBI subsidiary party rights and the contractual prospectus covenants that LBI V, VI Preferred Securities "Affiliate" senior equity party plain contract language regarding the Capital Trust III, IV, Waske's motion to reserve does not respond or acknowledge the 10. The Plan Administrator's objection to Joseph and backed by evidence going forward.

9. Or any of Joseph Waske's filed Motions in detail the Motion for Summary Judgment.

the Motion to the court how any Rulings or Orders raised apply to explain to the court how any Rulings or Orders raised apply to 8. It is the Plan Administrator's duty and burden to relevant to this Motion for Summary Judgment.

order that was handed down, in detail, and how that is Administrator fails to provide what that ruling was or an and attempts to tie that proceeding to these motions. The Plan 8. The Plan Administrator motions another ruling April 2nd, 2020.

Reserve. That is nine days before LBI's 12th distribution on reserve on March 24th, 2020 with the response to the Motion to 7. The Plan Administrator decided not to set aside a the Motion for Summary Judgment was filed on March 20th, 2020. Motion to Reserve on March 24th, 2020 which was four days after 6. The Plan Administrator filed the objection to the

intentional.

preferred security holders. That is unjust if it is covenants granted to the Capital Trust III, IV, V, VI Affiliates senior equity parity and the payment stoppage and the Plan Administrator has not actually addressed the the Plan Administrator and LBI made a classification error and the Plan Administrator has not factually addressed that

14. The Motion to Reserve is based on the fact that followed by Joseph Waske.

argument for the failure to respond, even when procedures were postition because it gives the Plan Administrator a free pass Date on June 3rd, 2020, that placed Joseph Waske in an unfair 13. By adding the Motion to Reserve to the Hearing

Court denied that request.

(Docket #60448) (Exhibit A) from the hearing. The Honorable petitioned the Honorable Court to remove the Motion to Reserve hearing on the Motion for Summary Judgment only. Joseph Waske 12. Joseph Waske requested from the Honorable Court a

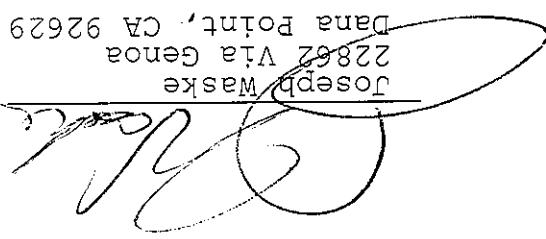
Statement

to reserve for any motion is for the Honorable Court to 11. Determining if the Plan Administrator is required decide.

and other filings as a result thereof.
filings and any matters related thereto and to supplement this
the right to conduct discovery as to the Plan Administrators
16. Joseph Wasko reserves all his rights and reserves
requested in the Motion, and grant such other relief as is just.
Wasko respectfully requests that the Court grant the relief
For all the reasons set forth herein and in the Motion, Joseph
this Motion for Summary Judgment.

2020 and specifically requested the court respectfully grant
court to add the Motion to Reserve to the Hearing on June 3rd,
Wasko asks the court to consider that he did not request the
Administrator should not be given special privilege. Joseph
Plan Administrator's violation of that rule. The Plan
court to grant the Motion for Summary Judgment based on the
Federal Rules for Civil Procedures. Joseph Wasko asks the
15. The Plan Administrator did violate Rule 12 of the
Administrator to grant the Motion for Summary Judgment.

Conclusion


Joseph Waske
22862 Villa Genoa
Dana Point, CA 92629

Respectfully Submitted,
Dated this 18th day of May, 2020

UNITED STATES BANKRUPTCY JUDGE
/S/ Shelley C. Chapman

Date: April 14, 2020

REQUEST DENIED. Hearing shall proceed as noticed per Docket 60498.

Joseph Waske

Respectfully and sincerely,

Thank you for your consideration.

I request that the Honorable Court set the hearing as per my original request to only include docket # 60484, Motion for Summary Judgment and exclude docket # 60488, Motion to Reserve. The Motion for Summary Judgment should be given priority given the Plan Administrator did not comply with Federal Rules of Civil Procedures Pursuant to Rule 12(a)(1)(A).

Motion to Reserve because it would trump the Motion for Summary Judgment and put my arguments at a disadvantage because it would equate to giving the Plan Administrator a free pass. To the Motion to Reserve would fail to act. Allowing the Plan Administrator to respond to the Motion to Reserve because it would be given the opportunity to respond to the service. The Plan Administrator should be given the opportunity to respond to the service. The Plan Administrator was served on February 19th, 2020 which is 34 days from the date of response to the Motion to Reserve to the Plan Administrator was served on March 24th, 2020 which is 34 days from the date of time of 21 days as per Federal Rules of Civil Procedures Pursuant to Rule 12(a)(1)(A).

Additionally, within the "Notice of Hearing," responses for both motions are due by May 18th, 2020. The Plan Administrator failed to respond to the Motion to Reserve within the period of time of 21 days as per Federal Rules of Civil Procedures Pursuant to Rule 12(a)(1)(A). When the Motion to Reserve was issued, docket # 60484 "Motion to Reserve" is now included.

I am writing you this electronic letter in regards to the "Notice of Hearing" with the date set for June 3rd, 2020 at 10am, docket # 60498. My request was for a hearing regarding docket # 60484 only, which is the Motion for Summary Judgment. When the Notice of Hearing was issued, docket # 60448 "Motion to Reserve" is now included.

Dear Honorable Judge Chapman,

Inc.

Subject: RE: Notice of Hearing Docket #60498 Consideration Case 08-13555 Lehman Brothers Holdings Inc.
To: NYSBMID_CaseFiling <CaseFiling@nysb.uscourts.gov>
Sent: Thursday, April 9, 2020 6:34 PM
From: Joseph Waske <jwaske3@yahoo.com>

EYH/61f A

8

TOTAL: 1

Exhibit A

Recipients submitted to the BNC (Bankruptcy Noticing Center):
unk Joseph Wasko 22862 Via Genoa Dana Point, CA 92629

Case: 08-13555-SCC
District/Off: 0208-1
File# 60509-1
Filed 04/14/20 Entered 04/14/20 14:46:31 PDF: Notice
Recipients Pg 1 of 1
User: Form ID: pdff01
Date Created: 4/14/2020 Total: 1

Notice Recipients